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BOOK REVIEWS.

THE LAW AND PRACTICE IN ACTIONS FOR TORTS IN THE STATE OF NEW YORK. By J. Newton Fiero. Albany, N. Y. Matthew Bender. 1903. pp. xviii. 893.

This book is not literature; not even law literature. It is a compilation of authorities and a compendium of forms. The author's purpose is concisely stated in the opening sentence of the Preface. "I have attempted," he writes, "to prepare a work which shall combine the theory of the Law of Wrongs and the practice in Actions for Injuries to the Person in such a manner as shall be useful to the practicing lawyer, basing my views of usefulness and convenience very largely upon my own experience; following, however, in the main the classification adopted by the leading text-writers upon the subject." Later in the preface, he states that "authorities are cited in every instance, and I have refrained from venturing upon the expression of my own views on controverted or undecided questions."

In the foregoing extracts the author has accurately described this work. It makes no pretence to originality either in classification or discussion. Many of the chapters open with voluminous extracts from text-books, which are followed by a digest of pertinent New York cases. Not infrequently contradictory statements appear on opposite pages, each supported by a New York judicial decision, without an attempt on the part of the author to reconcile them and without his noting in any way the conflict. In a mere digest such a state of things is to be expected, but not in a text-book.

And yet, the volume should be useful to the practitioner in this State. The author, as we have seen, did not set out to produce a work of art, but a tool for the busy lawyer. In the language of the publisher's prospectus, "the author's aim has been to make a practical work, rather than a purely scientific and theoretical treatise." He has been abundantly successful in the attainment of this ideal.

MINES AND MINING: a Commentary on the Law of Mines and Mining Rights, both Common Law and Statutory, with Appendices Containing the Federal Statute and the Statutes of the Western States and Territories, Relating to Mining for Precious Metals on the Public Domain, and Forms for Use in Application for Patent and Adverse Suits. By Wilson J. Snyder. Two Vols. Chicago. T. H. Flood & Co., 1902. pp. c1, 709 and 756.

The title of this elaborate work inspires at the outset some doubt of the author's accuracy in the use of language—an essential qualification for the work of preparing such a manual for students and practitioners. Neither the Federal statute nor the statutes of any States or Territories relate specifically to mining for the

"precious metals." Moreover, the Federal statute covering all the metals and more, yet prescribing little or nothing as to any sort of mining upon the public domain, except that the exploration and purchase of its mineral lands shall be free to all who are citizens, in fact or by declared intention, proceeds to set forth certain conditions of continued possessory title and of formal purchase, eventuating in the issue of a patent, conveying complete ownership. Such ownership once perfected, the land is no longer on the public domain; and the laws of the States and Territories concerning mines and mining deal largely, though not exclusively, with the operation of mines thus privately owned. Mr. Snyder's lengthy descriptive title is therefore singularly inadequate to characterize the scope of his book.

An examination of the work itself confirms our distrust of the critical competency of the author and compiler. As compiler, indeed, he has produced a large collection of cited cases, which cannot fail to be useful to students and practitioners searching for precedents. Yet even in such work it is important that the editor should intelligently comprehend and clearly state the facts and principles of each case, if he undertakes to state them at all. We note several instances, in which Mr. Snyder has treated the text of a decision as if it fully stated all the facts of the case, and one, at least, in which he has made such use of an illustrative diagram as to mislead his readers.

Outside of the limits of simple compilation, Mr. Snyder's criticisms and arguments are more audacious and dogmatic than trustworthy. The defects of the U. S. mining law, the complications resulting from the well-meant attempts of State and Federal courts to construe it, and the large number of situations, arising under it, which have not yet received final adjudication by the highest tribunal, leave a wide field open for volunteer analysis and suggestion. But it does not follow that every practitioner can enter that field with authority.

Without going into further detail we may say frankly that Mr. Snyder's book is decidedly inferior, as a summary and guide, to the second edition of the work of Curtis H. Lindsay, published a little later (1903) in San Francisco; but in view of the circumstances that there are only two or three recent treatises on U. S. mining law, it would probably be worth while to a lawyer practicing in that department to procure this one, on the chance of its containing some cited cases not included in the others.

RUMSEY'S PRACTICE. 2nd Ed., Vol. II. By William Rumsey and John S. Sheppard, Jr. Albany: Banks and Company, 1903, pp. cii, 1148.

The second volume of this edition does not call for or justify any modification of the views expressed in the COLUMBIA LAW REVIEW, Vol. III. p. 133, upon the appearance of the first volume, as to the character and value of the work.

The present volume has the same merits and the same defects that marked the first and is essentially a digest of decisions upon